

Petition dated March 22, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION EXAMINING OPERATIONS

Applicant: Lawrence G. Hopkins

Group Art Unit:

Serial No.:

Examiner:

Filed: March 22, 2004

Docket No: Hunt:FanArr1

Title: FAN ARRAY FAN SECTION IN AIR-HANDLING SYSTEMS

PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT

(37 C.F.R. § 1.102 AND M.P.E.P. § 708.02)

Law Office of Karen Dana Oster, LLC
PMB 1020
15450 SW Boones Ferry Rd. #9
Lake Oswego, OR 97035
March 22, 2004

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions to make this application special because of actual infringement.

Accompanying this petition is a Statement of Facts in Support of Petition to Make Special Because of Actual Infringement and a Statement by Attorney in Support of Petition to make Special Because of Actual Infringement.

The fee required is to be paid by the attached check for \$130.00. The Commissioner is hereby authorized to charge any additional fee, or credit any overpayment, to Deposit Account No. 50-2115. A duplicate copy of this sheet is enclosed.

The person making this statement is the attorney who signs below on the basis of the information supplied by the inventor and the information in the file.

Respectfully submitted,



Karen Dana Oster
Reg. No. 37,621
Of Attorneys of Record
Tel: (503) 810-2560

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Petition dated March 19, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION EXAMINING OPERATIONS

Applicant: Lawrence G. Hopkins

Group Art Unit:

Serial No.:

Examiner:

Filed: March 22, 2004

Docket No: Hunt:FanArr1

Title: FAN ARRAY FAN SECTION IN AIR-HANDLING SYSTEMS

STATEMENT OF FACTS IN SUPPORT OF PETITION TO MAKE SPECIAL
BECAUSE OF ACTUAL INFRINGEMENT (M.P.E.P. § 708.02)

Law Office of Karen Dana Oster, LLC
PMB 1020
15450 SW Boones Ferry Rd. #9
Lake Oswego, OR 97035
March 22, 2004

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Lawrence G. Hopkins, whose address is 10781 SE Idleman Rd.,
Portland, OR 97266, am the inventor for the above-referenced patent application, and I
hereby state the following:

1. I have been working in the air handling industry for 19 years. I received a Bachelor of Science degree in Mechanical Engineering from the University of Portland, in 1975 and obtained a Professional Engineering license in Oregon in 1982. I have authored numerous papers on fan and air handler design and presented papers at industry technical meetings such as the American Society for Heating, Refrigeration and Air conditioning Engineers, Cleanrooms and the Air Movement and Control Association. Currently, I am the Engineering Manager at HUNTAIR INC., the assignee of the present application. HUNTAIR INC. is a leader in airflow management for semiconductor manufacturing and the commercial/industrial air handling markets.

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2. I invented the present invention. The invention goes against conventional wisdom pertaining to the use of multiple fans and spacing of multiple fans in air handling systems.

3. On March 20, 2003, United States Provisional Application 60/456,413 was filed in the Patent and Trademark Office. The present application claims priority from this provisional application.

4. After March 20, 2003, HUNTAIR INC. began marketing the invention described in the provisional application.

5. On or about October 12th, 2003, I became aware that Cleanpak International was bidding on projects based on the specifications of our inventions. This was my first indication of the existence of the product that I allege infringes at least one claim of the present application. I became aware of this after making a joint presentation with Richard Spradling of HUNTAIR INC., to Argonne Labs in Chicago. Upon learning of our invention, It is my understanding representatives from Cleanpak International offered to build a Fan Wall Array and presented this capability to the project designers at the Architect Engineering firm of Grumman-Butkus.

6. There is an actual infringement of this invention. Cleanpak International is currently offering the claimed invention for sale on their web site (www.cleanpak.com a copy of which is attached as Appendix A). Specifically, on the web site they have a Technical Bulletin in which they offer the CLEANPAK M/R/PF Multi/Redundant/Plenum Fan (attached as Appendix B). As an example of an infringing product, one of the products is described in the Technical Bulletin as an Xn+1 in which the "number of fans can be as high as 12-18, although it is not limited." The Technical Bulletin also specifies that "the Xn+1 can reduce the airway length." In the Vibration Isolation section of the Technical Bulletin, it is specified that Xn+1 systems may include stacked fans. Other descriptions of the Xn+1, how it works, and its advantages are also described in the Technical Bulletin.

7. A review of the Cleanpak International web site on March 27, 2003 (attached as Appendix C), April 7, 2003 (attached as Appendix D), and June 17, 2003 (attached as Appendix E) using the Wayback Machine at <http://web.archive.org> shows that Cleanpak International's Technical Bulletin was not on Cleanpak International's

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web site before June 17, 2003 (the most recent date available on the Wayback Machine.

8. It is my belief that Cleanpak International became aware of HUNTAIR INC.'s product and began offering its Xn+1 product in response thereto.

9. I declare that all statements made herein are of my own knowledge, are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The person making this statement is the inventor of the present invention.

Respectfully submitted,



Lawrence G. Hopkins
Inventor
Tel: (503) 403-4429

Petition dated March 22, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION EXAMINING OPERATIONS

Applicant: Lawrence G. Hopkins

Group Art Unit:

Serial No.:

Examiner:

Filed: March 22, 2004

Docket No: Hunt:FanArr1

Title: FAN ARRAY FAN SECTION IN AIR-HANDLING SYSTEMS

STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL
BECAUSE OF ACTUAL INFRINGEMENT (M.P.E.P. § 708.02)

Law Office of Karen Dana Oster, LLC
PMB 1020
15450 SW Boones Ferry Rd. #9
Lake Oswego, OR 97035
March 22, 2004

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Karen Dana Oster, whose address is Law Office of Karen Dana Oster, LLC, PMB 1020, 15450 SW Boones Ferry Rd. #9, Lake Oswego, OR 97035, am the attorney of record for the above-referenced applicant, and make the following statements:

1. Applicant has 20 claims pending in the patent application submitted concurrently herewith. The claims are directed to a fan array fan section in an air-handling system.

2. Applicant has become aware that Cleanpak International is offering a Xn+1 product which is described Technical Bulletin in which they offer the CLEANPAK M/R/PF Multi/Redundant/Plenum Fan (attached as Appendix B) which is currently available at Cleanpak International's web site (www.cleanpak.com a copy of which is attached as Appendix A).

3. I have made a rigid comparison of the alleged infringing Xn+1 product (based on the Technical Bulletin as well as information provided by Lawrence G. Hopkins, the inventor for the above-referenced patent application) with the claims of

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this application. All of the claimed elements of at least one of the claims are present in the Xn+1 product. Accordingly, in my opinion I believe that at least one of the claims on file in this application is unquestionably infringed.

4. In my opinion, and for exemplary purposes only, claim 1 on file in this application is unquestionably infringed. Claim 1 is currently pending as follows:

A fan array fan section in an air-handling system comprising:

- (a) at least three fan units;
- (b) said at least three fan units arranged in a fan array;
- (c) an air-handling compartment within which said fan array of fan units is positioned; and
- (d) an array controller for controlling said at least three fan units to run at peak efficiency.

According to the Technical Bulletin, Cleanpak International's Xn+1 product may include 12-18 fans (although the number is not limited), which clearly satisfies the element of "at least three fans." According to the Technical Bulletin, the fans may be stacked, which would correspond to the element of the "fan units arranged in a fan array." Cleanpak International's Xn+1 product would be implemented within an air-handling compartment. Cleanpak International's VFD which is used to run multiple motors would satisfy the element of the array controller.

5. In my opinion, and for exemplary purposes only, claim 10 on file in this application is unquestionably infringed. Claim 10 is currently pending as follows:

A fan array fan section in an air-handling system comprising:

- (a) an air-handling compartment;
- (b) a plurality of fan units;
- (c) said plurality of fan units arranged in a fan array;
- (d) said fan array having at least one fan unit stacked vertically on at least one other fan unit.
- (e) said fan array positioned within said air-handling compartment.

Cleanpak International's Xn+1 product would be implemented within an air-handling compartment (elements (a) and (e)). According to the Technical Bulletin, Cleanpak International's Xn+1 product may include 12-18 fans (although the number is

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not limited), which clearly satisfies the element of "a plurality of fan units." According to the Technical Bulletin, the fans may be stacked, which would correspond to the element of the "fan units arranged in a fan array." In the Vibration Isolation section of the Technical Bulletin, it is specified that $Xn+1$ systems may include stacked fans, which would satisfy the element of the "fan array having at least one fan unit stacked vertically on at least one other fan unit."

6. Applicant caused to be made a careful and thorough search of the prior art by a respected Washington search agent. I have reviewed the patents found in the formal search and believe that the claimed invention is patentable over the found references. All references found in the formal search are being provided to the Examiner along with a respective Information Disclosure Statement.

7. Further, Applicant has a good knowledge of the pertinent prior art. Specifically, Lawrence G. Hopkins has been working in the air handling industry for 19 years. Mr. Hopkins received a Bachelor of Science degree in Mechanical Engineering from the University of Portland, in 1975 and obtained a Professional Engineering license in Oregon in 1982. Mr. Hopkins has authored numerous papers on fan and air handler design and presented at industry technical meetings such as the American Society for Heating, Refrigeration and Air conditioning Engineers, Cleanrooms and the Air Movement and Control Association. During his experience, he has never seen the claimed combination. Mr. Hopkins has provided me with several non-patent references that I have reviewed. I believe that the claimed invention is patentable over these non-patent references. All such non-patent references are being provided to the Examiner along with a respective Information Disclosure Statement.

8. I believe all the claims in this application as on file are allowable over the art of which I am aware.

Respectfully submitted,



Karen Dana Oster
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